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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee
on Economic, Social and Cultural Rights

ZIMBABWE

1. The Committee considered the initial report of Zimbabwe (E/1990/5/Add.28), at its eighth, ninth, tenth and fourteenth meetings, on 2, 5 and 7 May 1997 (E/C.12/1997/SR.8-10 and 14) and, at its 25th meeting, on 15 May 1997, adopted the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the State party for the submission of its initial report, prepared in partial conformity with the Committee's guidelines, and for the written replies, albeit incomplete, to the list of questions made available to it before the session. The Committee notes that the report provided information that was excessively general in content and that very few statistics were provided. The delegation indicated that it would endeavour to obtain some of the missing information for the Committee's consideration before the end of the session, but, unfortunately, this information was not received. In this connection, the Committee welcomes the offer of the delegation to furnish further and precise written information.

3. The Committee regrets that no official experts came from Harare, so that with respect to many points the delegation was unable to provide specific answers to the questions posed by Committee members. Notwithstanding the aforementioned, the Committee expresses its appreciation for the frankness of the dialogue and the clear admissions made by the delegation, which recognized that there are numerous

deficiencies that must be corrected. In this connection the Committee is sensitive to the historical legacy of Zimbabwe and acknowledges the efforts towards democratization and good governance.

B. Positive aspects

4. The Committee welcomes the fact that Zimbabwe adhered to the Covenant without any reservations. It notes that Zimbabwe has ratified several human rights instruments, including the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

5. The Committee welcomes the publicity given to the Covenant, its publication in the Official Gazette and in parliamentary journals and the public nature of parliamentary discussions on the Covenant.

6. The Committee welcomes current legal moves in Zimbabwe to bring all workers under a new consolidated labour law.

C. Factors and difficulties impeding the implementation of the Covenant

7. As to the status of the Covenant in domestic law, the Committee notes that it cannot be invoked directly before Zimbabwean courts, notwithstanding the assurances given by the delegation that its principles are generally reflected in domestic law.

8. As to domestic monitoring of respect of economic, social and cultural rights, the Committee welcomes the establishment of the Office of the Ombudsman, but regrets that the defence forces, the police and the prison service are specifically excluded from being the subject of investigation, as are the President and members of his staff, the Cabinet Office, the Attorney-General and judicial officers. Moreover, the Ombudsman has no power of initiative and can only initiate an investigation where a complaint has been lodged.

D. Principal subjects of concern

9. The Committee regrets that the State party has not provided written answers to the Committee's questions relating to the implementation of articles 10, 11, 12, 13 and 15 of the Covenant (questions Nos. 36 to 55 and 57 on the Committee's list of issues) and that during the oral presentation by the delegation and during the dialogue with Committee members little additional information and no statistics were forthcoming.

10. Despite the Government's stated policy of de jure equality of men and women, the Committee views the situation of women in Zimbabwean society, particularly in rural districts, as very unsatisfactory. It is concerned about de facto discrimination against women, attributable to traditional practices such as arranged marriages of children and forced marriages of widows with a late husband's brother. Such practices are incompatible with article 3 of the Covenant.

11. The Committee regrets that, pursuant to the Constitution of Zimbabwe, public servants, teachers and nurses cannot join unions, and that doctors and nurses who have organized strikes have been subjected to arrest and dismissal.

12. The Committee is concerned about the continued use of child labour, as indicated in paragraph 76 of the State party's report. Such practices are in contravention of article 10 of the Covenant.

13. Despite the fact that the "extended family" provides a safety net for some of the homeless, the Committee notes that the situation in relation to the right to housing remains clearly inadequate. The Committee is particularly concerned about the precarious situation of persons living in illegal structures or unauthorized housing (para. 107 of the report). Persons should not be subjected to forced eviction unless this is done under conditions compatible with the Covenant.

14. The Committee expresses concern about cutbacks in educational expenditure, which result in non-compliance with article 13, paragraph 2 (a) of the Covenant, requiring free, compulsory and universal primary education.

E. Suggestions and recommendations

15. The Committee draws attention to the obligations of Zimbabwe to ensure that its undertakings under the Covenant are appropriately reflected in domestic law and policy and urges the Government to provide appropriate access to the courts to uphold the relevant rights.

16. Although many provisions of the Covenant are to be implemented progressively and in accordance with the maximum of the State party's available resources, there are other rights that must be ensured immediately, such as de jure non-discrimination and protection of the cultural rights of minorities.

17. The Committee urges that priority be given to the promotion of the role of women in society, and an end to all de facto discrimination against them. In particular, it recommends that programmes should be introduced with a view to redressing the imbalances in the status of women in society, particularly in rural districts.

18. Despite the measures referred to in paragraph 5 above, the Committee notes that no measures have been taken to inform the public about the Covenant. Therefore, the Committee urges the State party to undertake an appropriate information campaign to acquaint the public, and well as government officials at all levels, with its provisions. The Committee also recommends that education programmes be extended in order to increase awareness of the provisions of the Covenant throughout society and to ensure its application in the judicial process, as well as its observance by law enforcement agencies.

19. With regard to article 8 of the Covenant, the Committee welcomes the State party's intention to consider ratification of the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98), and the ILO Labour Relations (Public Service) Convention, 1978 (No. 151). The Committee urges the State party to harmonize its labour laws with them as soon as possible. In particular, the Committee would welcome information on what steps have been taken to reinstate or compensate medical workers who were recently dismissed because they organized a strike.

20. The Committee recommends that a constitutional reform be undertaken to allow public servants, teachers and nurses to organize in unions, in keeping with article 8 of the Covenant, and to enable them to bargain collectively and to strike.

21. The Committee recommends that appropriate measures be taken in order more effectively to guarantee the right to housing and, in particular, to ensure that no forced evictions are carried out without alternative housing being offered, in accordance with the Committee's General Comment No. 4 (1991). It would also like to receive further information on the number of forced evictions carried out and on the application of article 11 of the Covenant in Zimbabwe, in particular with respect to the right to housing.

22. The Committee reminds the State party that, as a signatory to the Covenant, it is committed to ensure compulsory, free primary education to all children in Zimbabwe. Even though the Committee is aware of the current difficulties in Zimbabwe and the State party's efforts in this field, the Committee invites Zimbabwe to submit to it within a year a plan of action and a progress report as to the implementation of this obligation.

23. Bearing in mind that members of the Committee requested specific information that was not provided during the examination of the State party's report, in particular on the cultural situation and the participation of minority groups in cultural life, the Committee urges the State party to submit the requested additional information and statistics within three months of receipt of the Committee's concluding observations, and in any event prior to the Committee's seventeenth session.

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Concluding observations of the Committee on Economic,
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RUSSIAN FEDERATION

1. At its 11th to 14th meetings on 5, 6 and 7 May 1997, the Committee considered the third periodic report of the Russian Federation on articles 1 to 15 of the Covenant (E/1994/104/Add.8) and at its 25th meeting held on 15 May 1997, adopted the following concluding observations.

A. Introduction

2. The Committee appreciates the submission by the State party of its third periodic report in compliance with the guidelines regarding the form and contents of reports to be submitted by States parties. It notes with interest that this is the first report of the State party after the end of the Soviet era. The Committee is grateful that the report was comprehensive and informative, and in particular that it was frank in acknowledging the serious problems that the State party is encountering in protecting the economic, social and cultural rights of the population. It also appreciates the additional information provided in response to the written list of questions, which unfortunately was not provided in time to be translated. The Committee welcomes the sending of a large and high-level delegation with which it engaged in an open and constructive dialogue, and the provision of additional information orally by the delegation during its discussions with the Committee.

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B. Positive aspects

3. The Committee welcomes, to the extent that economic, social and cultural rights would thereby be promoted, efforts by the State party to develop a State based on the rule of law and the fact that it is reforming or establishing institutions to this end. The Committee also welcomes the planned reform of a whole range of institutions which are engaged in the delivery of social welfare services.

4. The Committee notes that inflation has been lowered substantially, that the decline in gross domestic product appears to have been stopped and some sectors of the economy are beginning to grow again, and that efforts are being taken to improve the system of taxation and tax collection. It recognizes the importance of such a framework in providing sustainable funding for institutions designed to protect the economic, social and cultural rights of the State party's population.

5. The Committee welcomes the statement by the representative of the State party that proposed legislation is reviewed by the executive institutions of the Government to ensure that bills are consistent with international human rights instruments, including the Covenant, before submission to the Duma for consideration. It appreciates that the Constitutional Court has cited the Covenant when deciding issues. It also appreciates that the State party's new Labour Code was inspired directly by provisions of the Covenant, as well as other pertinent international instruments, including those of the International Labour Organization (ILO).

6. The Committee welcomes the 1996 law on the reform of the Judicial Branch and the 1997 bill to strengthen support to the judiciary, and the bill to establish a human rights ombudsman, inasmuch as the protection of economic, social and cultural rights enshrined in the Covenant is thereby enhanced.

7. The Committee notes with appreciation that employers are given tax incentives for the hiring of disabled persons to facilitate their access to gainful employment.

8. The Committee welcomes the development of pluralism in the trade union movement, although it recognizes that there are many practical problems to be resolved to enable the new trade unions to function effectively.

9. The Committee welcomes the assurances by the representative of the State party that psychiatric institutions are no longer used abusively.

10. The Committee welcomes the present official policy of family planning, which has resulted in a decline in the number of abortions.

11. The Committee views favourably efforts undertaken by the State party to educate students as to legal remedies available for violations of human rights.

12. The Committee welcomes the State party's support for an optional protocol to the Covenant.

C. Factors and difficulties impeding the implementation of the Covenant

13. The Committee recognizes that the State party has inherited from the former regime an unfavourable framework for the promotion of economic, social and cultural rights. It also notes with apprehension that the process of transition to a democratic country with a market-based economy is being undermined by the development of corruption, organized crime, tax evasion and bureaucratic inefficiency and has resulted in inadequate funding for social welfare expenditure and payment of wages in the State sector.

D. Principal subjects of concern

14. The Committee expresses its concern at the situation of the indigenous peoples of the State party, many of whom live in poverty, and have inadequate access to food supplies, and some of whom suffer from malnutrition. The Committee is particularly concerned for those whose food supply is based on fishing and an adequate stock of reindeer, and who are witnessing the destruction of their environment by widespread pollution. It is alarmed at reports that the economic rights of indigenous peoples are exploited with impunity by oil and gas companies which sign agreements under circumstances which are clearly illegal, and that the State party has not taken adequate steps to protect the indigenous peoples from such exploitation.

15. The Committee expresses its concern that women appear to be disproportionately affected by unemployment and that little concrete action has been taken by the State party to discourage discriminatory dismissal or hiring on the basis of sex or to provide meaningful remedies to the victims of such discrimination.

16. The Committee expresses its concern at the significant level of domestic violence against women and the hesitation of the police in intervening to protect women or in bringing charges against their aggressors, despite the fact that the criminal law against violence against persons applies to violence against a woman by her husband.

17. The Committee notes with concern the rapid development of prostitution and the growing phenomenon of street children and their exploitation for criminal and sexual activities. The Committee further expresses its concern at the rate of increase in criminal acts by juvenile offenders.

18. The Committee observes with concern that there are numerous problems regarding labour regulation and that the State party has not taken adequate steps or devoted sufficient funding to find a way of addressing the following issues:

(a) Dangerous working conditions in many enterprises, including use of dangerous and out-of-date technology, lack of protection for workers and excessively long hours of work;

(b) The high rate of serious industrial accidents, including an excessive number resulting in death;

(c) Refusal by some enterprises to compensate workers in cases of workplace injuries;

(d) An inadequate system for the reporting of unsafe conditions and accidents, including the absence of a legal framework which protects workers, whether unionized or not;

(e) Inadequate funding for the labour inspectorate to conduct sufficient labour inspections to deter and sanction non-compliance by employers;

(f) The large number of illegal dismissals which in practice are without remedy;

(g) The development of large-scale child labour;

(h) The refusal of some employers to recognize or deal with new "alternative" unions and the fact that some employers take adverse action, up to and including dismissal, against union activists.

19. The Committee notes with concern that the State party is ill-equipped to deal with the problem of unemployment, which now affects, according to the data provided, between three to seven million persons. The criteria for eligibility for unemployment benefits, the system for detecting fraudulent benefits applications, and the low amount of such benefits all appear to be in need of reconsideration. Moreover, services to assist the unemployed to obtain employment, including information and retraining services, need to be developed more fully.

20. The Committee is very concerned at the non-payment of wages, which has led to a large number of strikes, particularly in the State sector, as well as at the payment of wages in kind by some employers. According to one report, approximately $10 billion are owed in back wages to approximately one out of every four workers, and most of this sum is the responsibility of the State. Late payment of wages is similarly unacceptable because it impedes the workers' meeting their needs and, in an inflationary environment, robs them of the value of the money that has been earned.

21. The development of poverty, estimated to affect at least 30 per cent of the population, and the inability of the State party to provide adequate social services and a reasonable subsistence-level revenue to these persons is of serious concern to the Committee.

22. The Committee expresses its concern that the Government's ability to pay pensioners, who constitute a sizeable and increasing percentage of the population, is seriously affected by a lack of adequate financial resources. As a result, many are not receiving their pensions and are thus unable to satisfy their basic needs. The Committee is further concerned that funding of pensions is being seriously impaired by the failure of enterprises to make their legal contributions to the pension fund.

23. The Committee is seriously concerned that the diet of the Russian population, on average, is deteriorating. It also notes with alarm that malnutrition and hunger have developed among the poorer segments of the population. Particular concern is expressed for the plight in this respect of the homeless, families without income, large families, and indigenous people in the northern part of the country where the infrastructure for food delivery is inadequate.

24. The Committee expresses its serious concern that the rate of contamination of both domestically produced and imported foodstuffs is high by international standards, and appears to be caused - for domestic production - by the improper use of pesticides and environmental pollution such as through the improper disposal of heavy metals and oil spills, and - for imported food - by the illegal practices of some food importers. The Committee notes that it is the responsibility of the Government to ensure that such food does not reach the market.

25. The Committee is alarmed at the extent of the environmental problems in the State party and that industrial leakage of harmful waste products is such a severe problem in some regions that they could be correctly declared as environmental disaster areas. It is also very concerned that there has been a curtailment of funds to modernize an out-of-date water delivery system which adversely affects the access of the population to clean water.

26. The Committee is very concerned at the re-emergence of tuberculosis in the State party, particularly in prisons, where the health and social conditions of detention are unacceptable.

27. The Committee expresses its serious concern that in 1996 there was an eightfold increase in the rate of HIV-infection, which, according to the State party's representative, is largely due to increased drug use. It is also a source of concern that drug addiction is a major and growing problem among the young.

28. The inadequate funding of hospitals is a major source of concern. Moreover, the non-availability of drugs for the treatment of illness is also a source of preoccupation, particularly for those who cannot afford these medicines.

29. The Committee expresses its concern with regard to the deterioration of the educational system in the Russian Federation and its effects on the school achievement, and on the school attendance and drop out rates of the young at all levels of the system.

E. Suggestions and recommendations

30. The Committee recommends that action be taken to protect the indigenous peoples from exploitation by oil and gas companies, and more generally that action be taken to ensure their access to traditional and other sources of food.

31. The Committee recommends that more vigourous steps be taken to ensure protection of women against sex discrimination in employment, and that victims of sex discrimination may receive compensation from employers who act illegally.

32. The Committee also recommends that legislation be adopted to protect women victims of domestic violence, that specific programmes be put in place to assist such victims of domestic violence and that the perpetrators of such acts be brought to justice.

33. The Committee recommends that comprehensive steps be taken to ensure safety and health in the workplace and that, to this end, increased funding of the labour inspectorate be provided. It further recommends that a framework be developed to encourage and protect workers who report inadequate conditions of work. The Committee also recommends that the State party take steps to accelerate further the development of trade unions by, inter alia, removing the practical constraints to the right to freedom of association, to ensure that management is separated from official unions as part of a bargaining unit, and generally, to enable the unions to function more effectively. Furthermore, it recommends that a comprehensive strategy to combat child labour be developed.

34. The Committee recommends that the State party develop and improve its policy for assisting the unemployed to find work and to receive unemployment benefits. In this regard, the State party may wish to call upon ILO for assistance.

35. The Committee recommends that immediate steps be taken to ensure the payment of wages by both the State and private enterprises, and to punish those who have illegally diverted these funds for other purposes.

36. The Committee recommends that assistance to those who live in poverty be increased, and that adequate financial resources be made available to them so that they can live in dignity. Similar efforts should be undertaken on behalf of pensioners, many of whom live in serious financial difficulty. The Committee is of the view that greater efforts should be made to target social welfare expenditure to the truly needy sectors of the population.

37. The Committee recommends the adoption of a plan of action for food subsidies for the poor. It encourages the State party to try to resolve problems of legal title to land, the financing of supplies and equipment to farm areas, and transportation to markets as soon as possible to stimulate domestic food production.

38. The Committee is of the view that the question of an acceptable and adequate food supply is also linked to questions relating to a seriously polluted environment and the lack of investment in infrastructure for the maintenance and improvement of the water supply. It recommends that the State party examine these linkages and take appropriate action to clean up the environment and prevent enterprises from engaging in further pollution, especially that which contaminates the food chain. The Committee also

recommends that the maintenance and improvement of the water supply system be undertaken as a matter of priority. The Committee further recommends that vigourous action be taken against enterprises which have been found to have imported contaminated food.

39. The Committee strongly recommends that the State party take immediate action to improve the health conditions in prisons, especially with regard to the rise in the rate of tuberculosis among prisoners and detainees.

40. The Committee urges the State party to address the eightfold increase in HIV-infection in 1996 as a health question of the utmost importance. It recommends that an information campaign which explains the nature of the disease, the modes of transmission, including sexual modes of transmission, and prevention techniques be undertaken in the mass media. It also recommends that the State party adopt laws and take all necessary measures to prevent discrimination against persons who are HIV-positive, so that they may live normal lives.

41. The Committee recommends that funding of hospitals be increased and that medicines and medical attention be made available to those who cannot afford them, given the existing problems already highlighted above.

42. The Committee recommends that efforts to treat drug addiction and to apprehend and punish drug dealers be continued and intensified.

43. The Committee strongly recommends that stronger and more effective measures should be adopted in order to reinforce the educational system, reduce the rate of school drop-out and enhance the protection of children against illegal employment and other abuses.